

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

IN RE:)
)
ALFRED JACKSON, III,) Case No. 13-14142-BFK
) Chapter 13
Debtor.)
)
)

**LIMITED OBJECTION TO CONFIRMATION
OF MODIFIED CHAPTER 13 PLAN**

COMES NOW secured creditor, John D. Raffaelli (“Raffaelli”), by counsel, and states the following in support of his Limited Objection to Confirmation of the Third Amended Chapter 13 Plan filed by the Debtor, Alfred Jackson, III (“Jackson”).

1. On January 1, 2005, Jackson made a Promissory Note (“Note”) to Raffaelli in the amount of \$59,000.00. The Note is attached marked Exhibit “A”.
2. Raffaelli’s interest in the Note is secured by a Deed of Trust dated October 20, 2008 on real property located at 6042 Edgewood Terrace, Alexandria, Virginia 22307 recorded among the land records of the Fairfax County Circuit Court. Raffaelli’s claim is fully secured.
3. Jackson breached the Note by not making payment when the Note matured on December 31, 2010.
4. On September 11, 2013, Jackson filed a voluntary Chapter 13 case in the United States Bankruptcy Court for the Eastern District of Virginia, Alexandria Division, Case No. 13-14142-BFK.

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Counsel for John D. Raffaelli

5. On September 24, 2013, Jackson filed his first Chapter 13 Plan. Confirmation of the Plan was denied with leave to file a modified Plan.

6. On December 5, 2013, Jackson filed his First Amended Plan which replaced the unconfirmed Plan dated September 24, 2013. Confirmation of the First Amended Plan was denied with leave to file a modified Plan.

7. On February 7, 2014, Jackson filed his Second Amended Plan which replaced the unconfirmed Plan dated December 5, 2013. Confirmation of the Second Amended Plan was denied with leave to file a modified Plan.

8. On April 10, 2014, Jackson filed his present plan, the Third Amended Plan ("Plan") which replaced the unconfirmed Plan dated December 5, 2013.

9. The payoff on the Note as of the petition date was \$83,780.00 and Raffaelli filed a Proof of Claim in that amount, excluding attorney's fees and post-petition interest of 6.25% per annum. On April 16, 2014, Raffaelli filed an Amended Proof of Claim in the same amount requested as relief in the instant pleading.

10. Pursuant to the Note, Raffaelli is entitled to attorney's fees; pursuant to the Plan Raffaelli is entitled to post-petition interest at the rate of 6.25% per annum.

11. Raffaelli has incurred attorney's fees of \$9,643.75 post-petition through April 1, 2014 and expects to incur an additional \$1,200.00 or more until Raffaelli's Note is paid. Raffaelli's invoices for attorney's fees are attached marked Exhibit "B".

12. Jackson's Plan proposes to pay Raffaelli's secured claim of \$83,780.00 with interest at the rate of 6.25% per annum from the petition date (September 11, 2013) until the date of payment. Post-petition interest shall be paid at the per diem rate of \$101.00.

13. Raffaelli is entitled to reasonable attorney's fees because his claim is fully

secured by the real property. *See In re Hedrick*, 343 B.R. 762, 764 (Bankr. E.D.Va., 2006); *United States v. Ron Pair Enterprises, Inc.*, 489 U.S. 235, 109 S.Ct. 1026, 103 L.Ed.2d 290 (1989)

14. Jackson's Plan must provide for payment of the sum of \$83,780.00, reasonable attorney's fees of \$9,643.75 incurred through April 1, 2014, additional attorney's fees incurred until the date of payment and post-petition interest of \$101.00 per diem from the petition date until payment.

WHEREFORE, secured creditor, John D. Raffaelli, by counsel, prays that confirmation of the Third Amended Chapter 13 Plan proposed by the Debtor, Alfred Jackson, III be denied unless Raffaelli is paid his Note with pre-petition interest, reasonable attorney's fees as described in Paragraph 14 and post-petition per diem interest of \$101.00 from September 11, 2013 until paid.

JOHN D. RAFFAELLI
By Counsel

LAW OFFICE OF JOHN T. DONELAN

/s/ John T. Donelan
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CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of April, 2014 a true copy of the foregoing Limited Objection to Confirmation of Modified Chapter 13 Plan was sent via email to: John D. Sawyer, Esquire, tysonlaw111@aol.com; Thomas P. Gorman, Trustee, ch13alex@gmail.com; and first class mail, postage prepaid, to: Alfred Jackson, III, 6042 Edgewood Terrace, Alexandria, Virginia 22307.

/s/ John T. Donelan
JOHN T. DONELAN